

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Newton and Noss **Ward:** Newton and Yealmpton

Application No: 3701/16/HHO

Agent/Applicant:

Jonathan Sullivan
28 Galpin Street
Modbury
PL21 0QA

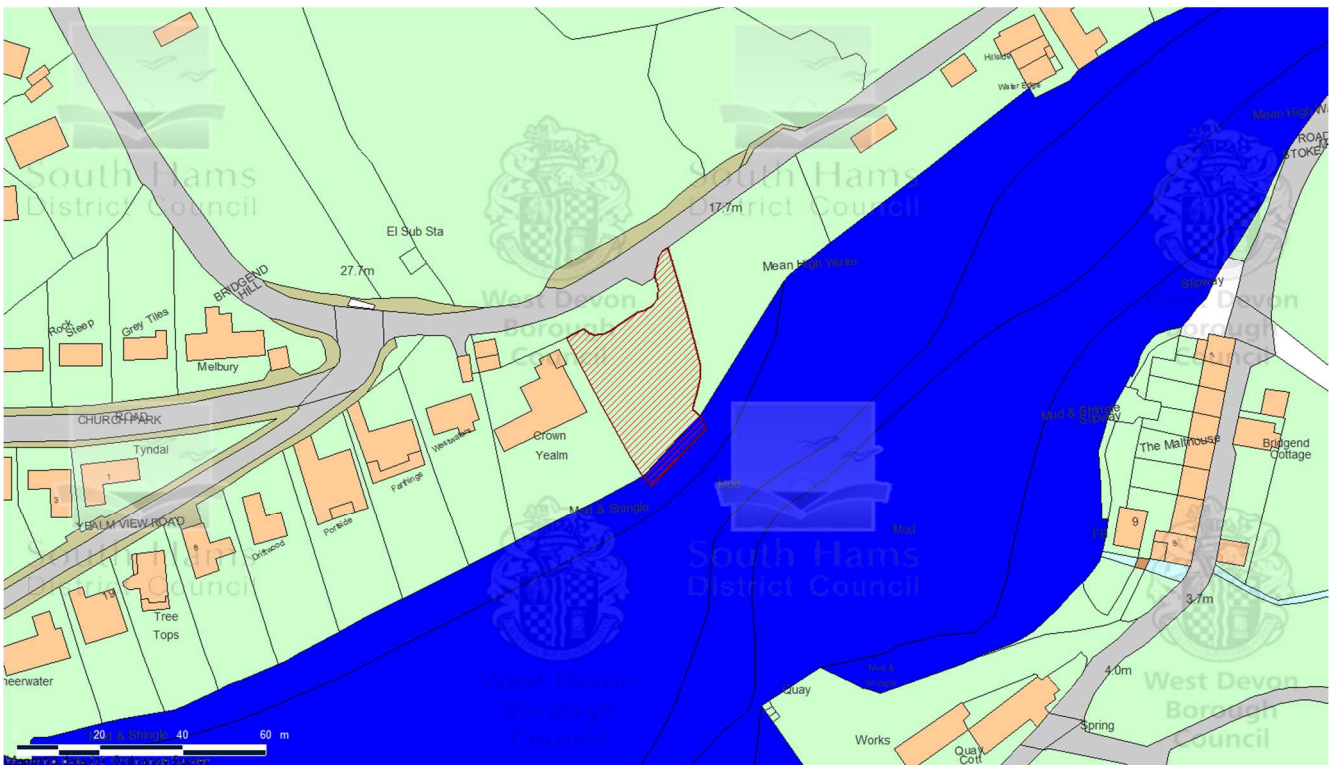
Applicant:

Mr & Mrs Beveridge
The Green House
Bridgend,
Newton Ferrers
PL8 1AW

Site Address: The Green House, Newton Ferrers, PL8 1AW

Development: Householder application for proposed detached outbuilding to be used as a boathouse

Reason item is being put before Committee: The application has been brought before the Committee by the Ward Members due to: valid objection from the South Devon AONB; objection from Estuaries Officer; negative impact on landscape and the AONB; overhanging of the foreshore.



Recommendation: Conditional approval

Conditions:

1. Time limit
2. Accord with plans
3. Construction Environmental Management Plan
4. No foul water to enter estuary
5. Tree protection measures
6. External lighting

Informative re MMO licence

Key issues for consideration:

Principle, design, visual impact, impact on marine environment.

Site Description:

The site is situated in the Bridgend Area of Newton Ferrers, on the hillside above Newton Creek. The dwelling which currently exists on the site was a replacement for an earlier property, and has now been completed for several years. Its contemporary design is now a striking but arguably not unwelcome feature of the local landscape (the scheme was allowed on appeal). The site benefits from direct access onto Newton Creek at the bottom of a sloping garden, where there is an existing timber jetty.

The Proposal:

Permission is sought to construct a single storey outbuilding to be used as a boathouse ancillary to the existing dwelling on the site. The existing timber jetty would be retained, and the new structure would overhang it from the top of an existing bank wall. The outbuilding would have a flat roof with large glazing panels on three elevations surrounded by copper cladding to match the main dwelling. The submitted floor plan shows a store/drying area with a woodburning stove and small shower room.

Consultations:

- County Highways Authority – No highways related issues
- Environmental Health Section – No comments received
- South Devon AONB Estuaries Officer – Objection – Concerns regarding overdevelopment, adverse impact on the landscape character of Newton Creek. Proposal could trigger a series of other applications. Submitted plans do not provide a compelling case that the building is needed for boating purposes. Copper is toxic to many marine organisms. Strongly advise that a Construction Environmental Management Plan condition is imposed if consent is granted. Proposal would require a marine licence from the Marine Management Organisation for all development and works affecting the foreshore below Mean High Water Springs.
- Landscape Specialist – No objection subject to conditions
- Harbour Master – No comment other than a condition to ensure no foul water enters the estuary should be imposed
- Marine Management Organisation – Marine Licence required

- Newton and Noss Parish Council – Objection – “1. The Parish Council support the objections raised by the South Devon AONB Estuaries Officer in his letter of 20 December 2016. 2. The negative impact of conserving the landscape and scenic beauty of the AONB. 3. Cumulative impact – likely to trigger other applications that would irrevocably change the character of the foreshore. 4. Visual impact – the structure substantially overhangs the foreshore. This is intrusive and not consistent with other “boathouses” in the area. 5. Light pollution over the water and impact on ecology. Copper is toxic to marine life. 6. This proposal would require a Marine Licence. 7. No Construction Environmental Management Plan.”

Representations:

6 letters of support have been received, with the issues raised summarised as:

- Scale and design complement setting and surroundings
- High standard of contemporary design
- Complementary to the Green House
- Innovative
- Precedent already exists
- Proposal would not be visible from most of Noss Mayo

2 letters of objection have been received, with concerns raised summarised as:

- Encroachment below Mean High Water Mark
- Separation from main dwelling means uniform design is not as relevant
- Visual impact
- Setting of St Peter’s Church
- Objection from Estuaries Officer

Relevant Planning History

- 37/2841/14/F: Householder application for proposed outbuilding. The Green House Bridgend Newton Ferrers Plymouth PL8 1AW Conditional approval: 24 Dec 14
- 37/0371/13/F: Householder application for the building of retaining wall. The Green House Bridgend Newton Ferrers Devon PL8 1AW. Conditional approval: 28 Mar 13
- 37/0196/09/F: Erosion prevention wall. The Green House Bridgend Newton Ferrers Plymouth PL8 1AW. Conditional approval: 30 Mar 09
- 37/0503/08/F: Demolition of existing dwelling and erection of replacement dwelling and garage The Green House Bridgend Newton Ferrers Plymouth PL8 1AW. Conditional approval: 08 Dec 08. WRE: Upheld (Conditional Approval): 05 Dec 08

ANALYSIS

Principle of Development/Sustainability:

The principle of an outbuilding to be used by the residents of the Green House on the site raises no in principle policy objection. The submitted plans show a store/drying area with a woodburning stove and small shower room. Whilst the building would not be used for the physical storage of boats, the plans show it would be used by people using boats (rather than having to go back up to the main house). This

is not considered to be a wholly unreasonable proposition, subject to detailed design and landscape considerations.

Design/Landscape:

The existing dwelling known as the Green House was awarded a regional design prize by the Royal Institute of British Architects. The proposed outbuilding takes reference from the design of the parent dwelling, and Officers consider it would read as an ancillary building appropriate to its site context. The proposed use of copper cladding is considered appropriate in this setting from a design perspective. It should be noted that the existing stone retaining wall on the site already benefits from planning permission. The submitted plans show that the proposed outbuilding would sit behind the line of the existing jetty.

The Estuaries Officer has raised objection regarding the visual impact of the proposal in the AONB, and the potential for setting a precedent for other similar proposals. As noted by the Landscape Specialist in their consultation response, each application must be considered on its own merits and any subsequent proposals could still be refused if the current application is allowed if they were considered to be unacceptable. The Landscape Specialist considers the proposal is acceptable in terms of impact on landscape and visual character, which they consider would be preserved (subject to conditions to secure additional planting and control external lighting). The proposed design and form of the building strongly reflects the existing residential building known as the Green House. The Landscape Specialist considers the scale, form and massing of building proposed would not have a significant impact on landscape character, and notwithstanding the comments of the Estuaries Officer objection on these grounds is not justified (and that great weight needs to be given to preserving the character of the AONB in accordance with NPPF guidance).

There have been conflicting professional views about the landscape impact of the proposal on this occasion. Taking all points raised into consideration, the Officer recommendation is that refusal of the application on landscape grounds could not be substantiated at an appeal.

Heritage:

Concern has been raised that the development would harm the setting of St Peter's Church. The Grade II* listed church is located at some distance to the south west of the application site on the Noss side of the estuary. Given the relatively minor scale of development proposed and physical separation from the church it is considered unlikely that the structures would be viewed together, and the proposal would not result in any substantive harm to the setting of this highly graded heritage asset. There are a small number of listed dwellings which are located closer to the application site than the church, but again the physical separation in part provided by the estuary would ensure the development would not result in harm to the setting of any nearby heritage assets.

Ecology:

The application is accompanied by a Preliminary Ecological Appraisal, which did not identify any marine aquatic plant communities within the application site. It concludes the proposed development would have a negligible impact upon local ecology. It notes that there is likely to be a local bat population within the vicinity of the site, but that no external lighting is proposed as part of the current application. Measures should be taken to ensure no hazardous chemicals or building debris/materials enter the river/marine system to avoid pollution.

Noting the above comments a condition restricting external lighting forms part of the Officer recommendation in addition to a Construction Environmental Management Plan. On this basis it is considered the proposed development is acceptable on ecological grounds.

Trees:

The application is also accompanied by a Tree Survey with an associated Constraints Plan. There are a number of low quality category 'C' trees within the vicinity of the site, with some higher quality trees to the east of the jetty including an Oak which is subject to a TPO. There is no rooting environment available to the Oak tree within the vicinity of the proposed building due to the existing site topography (and this also applies to the other trees). Given the topography and likely root distributions the survey considers tree protection measures are not necessary in this case.

The Council's Landscape Specialist is generally in agreement with the findings of the above survey, but considers that whilst the existing tree roots are unlikely to be damaged by the development itself there is still potential for the trees to be damaged during construction works if some preventative measures are not taken. As such a tree protection condition forms part of the Officer recommendation.

Neighbour Amenity:

The proposal does not raise any residential amenity concerns.

Highways/Access:

Access would be via the estuary, with pedestrian access through the residential curtilage of the Green House.

Other Matters:

- Need for Marine Licence – the fact that proposal may require licencing outside of the planning regime is not a legitimate reason to refuse a planning application.
- The Applicant has offered the following comment regarding the use of copper. "*Copper is the main antifouling of all boats nowadays – the use of tin having been banned. There is no evidence that the tiny quantities of copper that might leach into the river (far less than comes off eroding antifouling on boats) will affect any organisms – that is why copper is approved for marine use and tin is not.*" Subject to a condition to secure a detailed CEMP, it is considered there are no ecological grounds to refuse the application.

The Planning Balance:

Great weight needs to be given to preserving the character of the South Devon AONB. Whilst there have been conflicting views about the landscape impact of the proposal, overall it is considered that subject to the above recommended conditions the special character of the AONB would be preserved. In addition, it is considered the development would not result in harm to the setting of any heritage assets in the locality (including the Grade II* listed St Peter's Church). There are no other substantive planning reasons why permission should be withheld in this case (subject to the conditions detailed above).

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

NPPF

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment
CS10 Nature Conservation

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking

South Hams Local Plan

SHDC 1 Development Boundaries

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions in full:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing number(s) 152/GHB/PA01, 152/GHB/PA12, 152/GHB/PA13, 152/GHB/PA14, 152/GHB/PA15, Design Statement, Preliminary Ecological Appraisal, Dartforest Tree Works report received by the Local Planning Authority on 21st November 2016.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. **PRE-COMMENCEMENT CONDITION:** The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and agreed in writing with the Local Planning Authority. The CEMP shall include:

(a) Measures to ensure any wet concrete or other pollutants do not come into contact with the marine environment;

(b) Safeguards to account for spillages/accidents and flooding in relation to the storage and transportation of materials;

(c) Details of the removal and disposal of waste material from the site.

The development shall thereafter be carried out in strict accordance with the approved CEMP and thereafter so maintained.

Reason: In the interests of the protection of the marine environment, the details of which need to be agreed prior to any development taking place on site.

4. No foul water arising from the development shall be allowed to enter the estuary.

Reason: In the interests of pollution prevention.

5. PRE-COMMENCEMENT CONDITION: No development shall take place, or any equipment, machinery or materials be brought onto the site for the purpose of development until details for the protection of retained trees (as identified on the submitted plans) during construction have been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to protect trees of public amenity value.

6. Prior to the installation of any external lighting, details shall have first have been submitted to and agreed in writing with the Local Planning Authority. External lighting shall thereafter only be installed in accordance with the approved details.

Reason: The site is situated in area where there is likely to be a local bat population, and the application was assessed on the basis that no external lighting was being provided.